

Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Berryhill, Block, Corbett, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)

March 25, 2014

An act to amend Sections 27, 2089.5, 2240, 2530.5, 2532.2, 2532.7, 4021.5, 4053, 4980, 4980.36, 4980.37, 4980.399, 4980.41, 4980.43, 4980.55, 4980.72, 4980.78, 4987.5, 4992.09, 4996.23, 4998, 4999.55, 4999.58, 4999.59, 4999.60, and 4999.123 of, and to amend the heading of Chapter 13 (commencing with Section 4980) of Division 2 of, the Business and Professions Code, and to amend Section 14132.55 of the Welfare and Institutions Code, relating to health care professionals.

LEGISLATIVE COUNSEL'S DIGEST

SB 1466, as introduced, Committee on Business, Professions and Economic Development. Health care professionals.

(1) Existing law requires a physician and surgeon who performs a scheduled medical procedure outside of a general acute care hospital that results in the death of any patient on whom that medical treatment was performed by the physician and surgeon, or by a person acting under the physician and surgeon's orders or supervision, to report, in writing on a form prescribed by the board, that occurrence to the board within 15 days after the occurrence. A person who violates this requirement is guilty of a misdemeanor.

This bill would make that provision applicable without regard to whether the procedure was scheduled. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(2) Existing law provides for the licensing and regulation of persons who are engaged in the practice of speech-language pathology or audiology, as specified, and vests the enforcement of these provisions

in the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. Among other requirements, an applicant for licensure as a speech-language pathologist or audiologist is required to submit transcripts from an educational institution approved by the board evidencing completion of specified coursework, and submit evidence of the satisfactory completion of supervised clinical practice with individuals representative of a wide spectrum of ages and communication disorders. Existing law requires the board to establish by regulation the required number of clock hours, not to exceed 300 clock hours, of supervised clinical practice necessary for the applicant.

This bill would delete the requirement that the applicant submit transcripts from an educational institution approved by the board evidencing completion of specified coursework and would increase the maximum number of clock hours that the board may establish by regulation to 375.

(3) Existing law, the Pharmacy Law, governs the regulation of the practice of pharmacy and establishes the California State Board of Pharmacy to administer and enforce these provisions. The law authorizes the board to issue a license to an individual to serve as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer, as specified, and requires the licensee to protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer. The law also defines a correctional pharmacy to mean a pharmacy, licensed by the board, located within a state correctional facility, as specified.

This bill would require an individual who applies for designated representative license to be at least 18 years of age. The bill would also revise the definition of a correctional pharmacy to mean a pharmacy, licensed by the board, located within a correctional facility, without regard to whether the facility is a state or local correctional facility.

(4) Existing law requires an applicant for a license as marriage and family therapist, social worker, or professional clinical counselor, to participate in and obtain a passing score on a board-administered California law and ethics examination in order to qualify for a license or renewal of a license.

This bill would permit an applicant who holds a registration eligible for renewal, and who applies for renewal of that registration between January 1, 2016, and June 30, 2016, if eligible, to renew the registration without first participating in the California law and ethics examination.

The bill would require the applicant to pass that examination prior to licensure or issuance of a subsequent registration number. The bill would also permit an applicant who holds or has held a registration, and who applies for a subsequent registration number between January 1, 2016, and January 1, 2017, if eligible, to obtain the subsequent registration number without first passing the California law and ethics examination, if he or she passes the law and ethics examination at the next renewal period or prior to licensure, whichever occurs first.

This bill would make other changes relating to licensed marriage and family therapists and licensed professional clinical counselors.

The bill would also make other technical, conforming, and clarifying changes.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27 of the Business and Professions Code
2 is amended to read:

3 27. (a) Each entity specified in subdivisions (c), (d), and (e)
4 shall provide on the Internet information regarding the status of
5 every license issued by that entity in accordance with the California
6 Public Records Act (Chapter 3.5 (commencing with Section 6250)
7 of Division 7 of Title 1 of the Government Code) and the
8 Information Practices Act of 1977 (Chapter 1 (commencing with
9 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).
10 The public information to be provided on the Internet shall include
11 information on suspensions and revocations of licenses issued by
12 the entity and other related enforcement action, including
13 accusations filed pursuant to the Administrative Procedure Act
14 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
15 Division 3 of Title 2 of the Government Code) taken by the entity
16 relative to persons, businesses, or facilities subject to licensure or
17 regulation by the entity. The information may not include personal
18 information, including home telephone number, date of birth, or

1 social security number. Each entity shall disclose a licensee's
2 address of record. However, each entity shall allow a licensee to
3 provide a post office box number or other alternate address, instead
4 of his or her home address, as the address of record. This section
5 shall not preclude an entity from also requiring a licensee, who
6 has provided a post office box number or other alternative mailing
7 address as his or her address of record, to provide a physical
8 business address or residence address only for the entity's internal
9 administrative use and not for disclosure as the licensee's address
10 of record or disclosure on the Internet.

11 (b) In providing information on the Internet, each entity specified
12 in subdivisions (c) and (d) shall comply with the Department of
13 Consumer Affairs ~~Guidelines for Access to Public Records~~ *Affairs'*
14 *guidelines for access to public records.*

15 (c) Each of the following entities within the Department of
16 Consumer Affairs shall comply with the requirements of this
17 section:

18 (1) The Board for Professional Engineers, Land Surveyors, and
19 Geologists shall disclose information on its registrants and
20 licensees.

21 (2) The Bureau of Automotive Repair shall disclose information
22 on its licensees, including auto repair dealers, smog stations, lamp
23 and brake stations, smog check technicians, and smog inspection
24 certification stations.

25 (3) The Bureau of Electronic and Appliance Repair, Home
26 Furnishings, and Thermal Insulation shall disclose information on
27 its licensees and registrants, including major appliance repair
28 dealers, combination dealers (electronic and appliance), electronic
29 repair dealers, service contract sellers, and service contract
30 administrators.

31 (4) The Cemetery and Funeral Bureau shall disclose information
32 on its licensees, including cemetery brokers, cemetery salespersons,
33 cemetery managers, crematory managers, cemetery authorities,
34 crematories, cremated remains disposers, embalmers, funeral
35 establishments, and funeral directors.

36 (5) The Professional Fiduciaries Bureau shall disclose
37 information on its licensees.

38 (6) The Contractors' State License Board shall disclose
39 information on its licensees and registrants in accordance with
40 Chapter 9 (commencing with Section 7000) of Division 3. In

1 addition to information related to licenses as specified in
2 subdivision (a), the board shall also disclose information provided
3 to the board by the Labor Commissioner pursuant to Section 98.9
4 of the Labor Code.

5 (7) The Bureau for Private Postsecondary Education shall
6 disclose information on private postsecondary institutions under
7 its jurisdiction, including disclosure of notices to comply issued
8 pursuant to Section 94935 of the Education Code.

9 (8) The California Board of Accountancy shall disclose
10 information on its licensees and registrants.

11 (9) The California Architects Board shall disclose information
12 on its licensees, including architects and landscape architects.

13 (10) The State Athletic Commission shall disclose information
14 on its licensees and registrants.

15 (11) The State Board of Barbering and Cosmetology shall
16 disclose information on its licensees.

17 (12) The State Board of Guide Dogs for the Blind shall disclose
18 information on its licensees and registrants.

19 (13) The Acupuncture Board shall disclose information on its
20 licensees.

21 (14) The Board of Behavioral Sciences shall disclose
22 information on its licensees, including *licensed* marriage and family
23 therapists, licensed clinical social workers, licensed educational
24 psychologists, and licensed professional clinical counselors.

25 (15) The Dental Board of California shall disclose information
26 on its licensees.

27 (16) The State Board of Optometry shall disclose information
28 regarding certificates of registration to practice optometry,
29 statements of licensure, optometric corporation registrations, branch
30 office licenses, and fictitious name permits of its licensees.

31 (17) The Board of Psychology shall disclose information on its
32 licensees, including psychologists, psychological assistants, and
33 registered psychologists.

34 (d) The State Board of Chiropractic Examiners shall disclose
35 information on its licensees.

36 (e) The Structural Pest Control Board shall disclose information
37 on its licensees, including applicators, field representatives, and
38 operators in the areas of fumigation, general pest and wood
39 destroying pests and organisms, and wood roof cleaning and
40 treatment.

1 (f) “Internet” for the purposes of this section has the meaning
2 set forth in paragraph (6) of subdivision (f) of Section 17538.

3 SEC. 2. Section 2089.5 of the Business and Professions Code
4 is amended to read:

5 2089.5. (a) Clinical instruction in the subjects listed in
6 subdivision (b) of Section 2089 shall meet the requirements of this
7 section and shall be considered adequate if the requirements of
8 subdivision (a) of Section 2089 and the requirements of this section
9 are satisfied.

10 (b) Instruction in the clinical courses shall total a minimum of
11 72 weeks in length.

12 (c) Instruction in the core clinical courses of surgery, medicine,
13 family medicine, pediatrics, obstetrics and gynecology, and
14 psychiatry shall total a minimum of 40 weeks in length with a
15 minimum of eight weeks instruction in surgery, eight weeks in
16 medicine, six weeks in pediatrics, six weeks in obstetrics and
17 gynecology, a minimum of four weeks in family medicine, and
18 four weeks in psychiatry.

19 (d) Of the instruction required by subdivision (b), including all
20 of the instruction required by subdivision (c), 54 weeks shall be
21 performed in a hospital that sponsors the instruction and shall meet
22 one of the following:

23 (1) Is a formal part of the medical school or school of
24 osteopathic medicine.

25 (2) Has a residency program, approved by the Accreditation
26 Council for Graduate Medical Education (ACGME) or the Royal
27 College of Physicians and Surgeons of Canada (RCPSC), in family
28 practice or in the clinical area of the instruction for which credit
29 is being sought.

30 (3) Is formally affiliated with an approved medical school or
31 school of osteopathic medicine located in the United States or
32 Canada. If the affiliation is limited in nature, credit shall be given
33 only in the subject areas covered by the affiliation agreement.

34 (4) Is formally affiliated with a medical school or a school of
35 osteopathic medicine located outside the United States or Canada.

36 (e) If the institution, specified in subdivision (d), is formally
37 affiliated with a medical school or a school of osteopathic medicine
38 located outside the United States or Canada, it shall meet the
39 following:

1 (1) The formal affiliation shall be documented by a written
2 contract detailing the relationship between the medical school, or
3 a school of osteopathic medicine, and hospital and the
4 responsibilities of each.

5 (2) The school and hospital shall provide to the board a
6 description of the clinical program. The description shall be in
7 sufficient detail to enable the board to determine whether or not
8 the program provides students an adequate medical education. The
9 board shall approve the program if it determines that the program
10 provides an adequate medical education. If the board does not
11 approve the program, it shall provide its reasons for disapproval
12 to the school and hospital in writing specifying its findings about
13 each aspect of the program that it considers to be deficient and the
14 changes required to obtain approval.

15 (3) The hospital, if located in the United States, shall be
16 accredited by the Joint Commission on Accreditation of Hospitals,
17 *or the American Osteopathic Association's Healthcare Facilities*
18 *Accreditation Program*, and if located in another country, shall be
19 accredited in accordance with the law of that country.

20 (4) The clinical instruction shall be supervised by a full-time
21 director of medical education, and the head of the department for
22 each core clinical course shall hold a full-time faculty appointment
23 of the medical school or school of osteopathic medicine and shall
24 be board certified or eligible, or have an equivalent credential in
25 that specialty area appropriate to the country in which the hospital
26 is located.

27 (5) The clinical instruction shall be conducted pursuant to a
28 written program of instruction provided by the school.

29 (6) The school shall supervise the implementation of the
30 program on a regular basis, documenting the level and extent of
31 its supervision.

32 (7) The hospital-based faculty shall evaluate each student on a
33 regular basis and shall document the completion of each aspect of
34 the program for each student.

35 (8) The hospital shall ensure a minimum daily census adequate
36 to meet the instructional needs of the number of students enrolled
37 in each course area of clinical instruction, but not less than 15
38 patients in each course area of clinical instruction.

39 (9) The board, in reviewing the application of a foreign medical
40 graduate, may require the applicant to submit a description of the

1 clinical program, if the board has not previously approved the
2 program, and may require the applicant to submit documentation
3 to demonstrate that the applicant’s clinical training met the
4 requirements of this subdivision.

5 (10) The medical school or school of osteopathic medicine shall
6 bear the reasonable cost of any site inspection by the board or its
7 agents necessary to determine whether the clinical program offered
8 is in compliance with this subdivision.

9 SEC. 3. Section 2240 of the Business and Professions Code is
10 amended to read:

11 2240. (a) ~~Any~~A physician and surgeon who performs a
12 ~~scheduled~~ medical procedure outside of a general acute care
13 hospital, as defined in subdivision (a) of Section 1250 of the Health
14 and Safety Code, that results in the death of any patient on whom
15 that medical treatment was performed by the physician and
16 surgeon, or by a person acting under the physician and surgeon’s
17 orders or supervision, shall report, in writing on a form prescribed
18 by the board, that occurrence to the board within 15 days after the
19 occurrence.

20 (b) ~~Any~~A physician and surgeon who performs a scheduled
21 medical procedure outside of a general acute care hospital, as
22 defined in subdivision (a) of Section 1250 of the Health and Safety
23 Code, that results in the transfer to a hospital or emergency center
24 for medical treatment for a period exceeding 24 hours, of any
25 patient on whom that medical treatment was performed by the
26 physician and surgeon, or by a person acting under the physician
27 and surgeon’s orders or supervision, shall report, in writing, on a
28 form prescribed by the board that occurrence, within 15 days after
29 the occurrence. The form shall contain all of the following
30 information:

- 31 (1) Name of the patient’s physician in the outpatient setting.
- 32 (2) Name of the physician with hospital privileges.
- 33 (3) Name of the patient and patient identifying information.
- 34 (4) Name of the hospital or emergency center where the patient
35 was transferred.
- 36 (5) Type of outpatient procedures being performed.
- 37 (6) Events triggering the transfer.
- 38 (7) Duration of the hospital stay.
- 39 (8) Final disposition or status, if not released from the hospital,
40 of the patient.

1 (9) Physician’s practice specialty and ABMS certification, if
2 applicable.

3 (c) The form described in subdivision (b) shall be constructed
4 in a format to enable the physician and surgeon to transmit the
5 information in paragraphs (5) to (9), inclusive, to the board in a
6 manner that the physician and surgeon and the patient are
7 anonymous and their identifying information is not transmitted to
8 the board. The entire form containing information described in
9 paragraphs (1) to (9), inclusive, shall be placed in the patient’s
10 medical record.

11 (d) The board shall aggregate the data and publish an annual
12 report on the information collected pursuant to subdivisions (a)
13 and (b).

14 (e) On and after January 1, 2002, the data required in subdivision
15 (b) shall be sent to the Office of Statewide Health Planning and
16 Development (OSHPD) instead of the board. OSHPD may revise
17 the reporting requirements to fit state and national standards, as
18 applicable. The board shall work with OSHPD in developing the
19 reporting mechanism to satisfy the data collection requirements
20 of this section.

21 (f) The failure to comply with this section constitutes
22 unprofessional conduct.

23 SEC. 4. Section 2530.5 of the Business and Professions Code
24 is amended to read:

25 2530.5. (a) Nothing in this chapter shall be construed as
26 restricting hearing testing conducted by licensed physicians and
27 surgeons or by persons conducting hearing tests under the direct
28 supervision of a physician and surgeon.

29 (b) Nothing in this chapter shall be construed to prevent a
30 licensed hearing aid dispenser from engaging in testing of hearing
31 and other practices and procedures used solely for the fitting and
32 selling of hearing aids nor does this chapter restrict persons
33 practicing their licensed profession and operating within the scope
34 of their licensed profession or employed by someone operating
35 within the scope of their licensed professions, including persons
36 fitting and selling hearing aids who are properly licensed or
37 registered under the laws of the State of California.

38 (c) Nothing in this chapter shall be construed as restricting or
39 preventing the practice of speech-language pathology or audiology
40 by personnel holding the appropriate credential from the

1 Commission on Teacher Credentialing as long as the practice is
2 conducted within the confines of or under the jurisdiction of a
3 public preschool, elementary or secondary school by which they
4 are employed and those persons do not either offer to render or
5 render speech-language pathology or audiology services to the
6 public for compensation over and above the salary they receive
7 from the public preschool elementary or secondary school by which
8 they are employed for the performance of their official duties.

9 (d) Nothing in this chapter shall be construed as restricting the
10 activities and services of a student or speech-language pathology
11 intern in speech-language pathology pursuing a course of study
12 leading to a degree in speech-language pathology at an accredited
13 or approved college or university or an approved clinical training
14 facility, provided that these activities and services constitute a part
15 of his or her supervised course of study and that those persons are
16 designated by the title as “speech-language pathology intern,”
17 “speech-language pathology trainee,” or other title clearly
18 indicating the training status appropriate to his or her level of
19 training.

20 (e) Nothing in this chapter shall be construed as restricting the
21 activities and services of a student or audiology intern in audiology
22 pursuing a course of study leading to a degree in audiology at an
23 accredited or approved college or university or an approved clinical
24 training facility, provided that these activities and services
25 constitute a part of his or her supervised course of study and that
26 those persons are designated by the title as “audiology intern,”
27 “audiology trainee,” or other title clearly indicating the training
28 status appropriate to his or her level of training.

29 (f) Nothing in this chapter shall be construed as restricting the
30 practice of an applicant who is obtaining the required professional
31 experience specified in subdivision ~~(d)~~ (c) of Section 2532.2 and
32 who has been issued a temporary license pursuant to Section
33 2532.7. The number of applicants who may be supervised by a
34 licensed speech-language pathologist or a speech-language
35 pathologist having qualifications deemed equivalent by the board
36 shall be determined by the board. The supervising speech-language
37 pathologist shall register with the board the name of each applicant
38 working under his or her supervision, and shall submit to the board
39 a description of the proposed professional responsibilities of the
40 applicant working under his or her supervision. The number of

1 applicants who may be supervised by a licensed audiologist or an
2 audiologist having qualifications deemed equivalent by the board
3 shall be determined by the board. The supervising audiologist shall
4 register with the board the name of each applicant working under
5 his or her supervision, and shall submit to the board a description
6 of the proposed professional responsibilities of the applicant
7 working under his or her supervision.

8 (g) Nothing in this chapter shall be construed as restricting
9 hearing screening services in public or private elementary or
10 secondary schools so long as these screening services are provided
11 by persons registered as qualified school audiometrists pursuant
12 to Sections 1685 and 1686 of the Health and Safety Code or hearing
13 screening services supported by the State Department of Health
14 Services so long as these screening services are provided by
15 appropriately trained or qualified personnel.

16 (h) Persons employed as speech-language pathologists or
17 audiologists by a federal agency shall be exempt from this chapter.

18 (i) Nothing in this chapter shall be construed as restricting
19 consultation or the instructional or supervisory activities of a
20 faculty member of an approved or accredited college or university
21 for the first 60 days following appointment after the effective date
22 of this subdivision.

23 SEC. 5. Section 2532.2 of the Business and Professions Code
24 is amended to read:

25 2532.2. Except as required by Section 2532.25, to be eligible
26 for licensure by the board as a speech-language pathologist or
27 audiologist, the applicant shall possess all of the following
28 qualifications:

29 (a) Possess at least a master's degree in speech-language
30 pathology or audiology from an educational institution approved
31 by the board or qualifications deemed equivalent by the board.

32 ~~(b) Submit transcripts from an educational institution approved
33 by the board evidencing the successful completion of at least 60
34 semester units of courses related to the normal development,
35 function, and use of speech, hearing, and language; and courses
36 that provide information about, and training in, the management
37 of speech, hearing, and language disorders. At least 24 of the
38 required 60 semester units shall be related to disorders of speech,
39 voice, or language for speech-language pathology applicants or to
40 disorders of hearing and the modification of communication~~

1 ~~disorders involving speech and language resulting from hearing~~
2 ~~disorders for audiology applicants. These 60 units do not include~~
3 ~~credit for thesis, dissertation, or clinical practice.~~

4 ~~(e)~~

5 (b) (1) Submit evidence of the satisfactory completion of
6 supervised clinical practice with individuals representative of a
7 wide spectrum of ages and communication disorders. The board
8 shall establish by regulation the required number of clock hours,
9 not to exceed ~~300~~ 375 clock hours, of supervised clinical practice
10 necessary for the applicant.

11 ~~The~~

12 (2) *The* clinical practice shall be under the direction of an
13 educational institution approved by the board.

14 ~~(d)~~

15 (c) Submit evidence of no less than 36 weeks of satisfactorily
16 completed supervised professional full-time experience or 72 weeks
17 of professional part-time experience obtained under the supervision
18 of a licensed speech-language pathologist or audiologist or a
19 speech-language pathologist or audiologist having qualifications
20 deemed equivalent by the board. This experience shall be evaluated
21 and approved by the board. The required professional experience
22 shall follow completion of the requirements listed in subdivisions
23 (a), ~~(b), and (e)~~ and (b). Full time is defined as at least 36 weeks
24 in a calendar year and a minimum of 30 hours per week. Part time
25 is defined as a minimum of 72 weeks and a minimum of 15 hours
26 per week.

27 ~~(e)~~

28 (d) (1) Pass an examination or examinations approved by the
29 board. The board shall determine the subject matter and scope of
30 the examinations and may waive the examination upon evidence
31 that the applicant has successfully completed an examination
32 approved by the board. Written examinations may be supplemented
33 by oral examinations as the board shall determine. An applicant
34 who fails his or her examination may be reexamined at a
35 subsequent examination upon payment of the reexamination fee
36 required by this chapter.

37 ~~A~~

38 (2) A speech-language pathologist or audiologist who holds a
39 license from another state or territory of the United States or who
40 holds equivalent qualifications as determined by the board and

1 who has completed no less than one year of full-time continuous
2 employment as a speech-language pathologist or audiologist within
3 the past three years is exempt from the supervised professional
4 experience in subdivision-~~(d)~~ (c).

5 ~~(f)~~

6 (e) As applied to licensure as an audiologist, this section shall
7 apply to applicants who graduated from an approved educational
8 institution on or before December 31, 2007.

9 SEC. 6. Section 2532.7 of the Business and Professions Code
10 is amended to read:

11 2532.7. (a) Upon approval of an application filed pursuant to
12 Section 2532.1, and upon payment of the fee prescribed by Section
13 2534.2, the board may issue a required professional experience
14 (RPE) temporary license for a period to be determined by the board
15 to an applicant who is obtaining the required professional
16 experience specified in subdivision-~~(d)~~ (c) of Section 2532.2 or
17 paragraph (2) of subdivision (b) of Section 2532.25.

18 (b) Effective July 1, 2003, no person shall obtain the required
19 professional experience for licensure in either an exempt or
20 nonexempt setting, as defined in Section 2530.5, unless he or she
21 is licensed in accordance with this section or is completing the
22 final clinical externship of a board-approved audiology doctoral
23 training program in accordance with paragraph (2) of subdivision
24 (b) of Section 2532.25 in another state.

25 (c) A person who obtains an RPE temporary license outside the
26 State of California shall not be required to hold a temporary license
27 issued pursuant to subdivision (a) if the person is completing the
28 final clinical externship of an audiology doctoral training program
29 in accordance with paragraph (2) of subdivision (b) of Section
30 2532.25.

31 (d) Any experience obtained in violation of this act shall not be
32 approved by the board.

33 (e) An RPE temporary license shall terminate upon notice
34 thereof by certified mail, return receipt requested, if it is issued by
35 mistake or if the application for permanent licensure is denied.

36 (f) Upon written application, the board may reissue an RPE
37 temporary license for a period to be determined by the board to
38 an applicant who is obtaining the required professional experience
39 specified in subdivision-~~(d)~~ (c) of Section 2532.2 or paragraph (2)
40 of subdivision (b) of Section 2532.25.

1 SEC. 7. Section 4021.5 of the Business and Professions Code
2 is amended to read:

3 4021.5. “Correctional pharmacy” means a pharmacy, licensed
4 by the board, located within a ~~state~~ correctional facility for the
5 purpose of providing pharmaceutical care to inmates of the ~~state~~
6 correctional facility.

7 SEC. 8. Section 4053 of the Business and Professions Code is
8 amended to read:

9 4053. (a) Notwithstanding Section 4051, the board may issue
10 a license as a designated representative to provide sufficient and
11 qualified supervision in a wholesaler or veterinary food-animal
12 drug retailer. The designated representative shall protect the public
13 health and safety in the handling, storage, and shipment of
14 dangerous drugs and dangerous devices in the wholesaler or
15 veterinary food-animal drug retailer.

16 (b) An individual *who is at least 18 years of age* may apply for
17 a designated representative license. In order to obtain and maintain
18 that license, the individual shall meet all of the following
19 requirements:

20 (1) He or she shall be a high school graduate or possess a general
21 education development certificate equivalent.

22 (2) He or she shall have a minimum of one year of paid work
23 experience in a licensed pharmacy, or with a drug wholesaler, drug
24 distributor, or drug manufacturer, in the past three years, related
25 to the distribution or dispensing of dangerous drugs or dangerous
26 devices or meet all of the prerequisites to take the examination
27 required for licensure as a pharmacist by the board.

28 (3) He or she shall complete a training program approved by
29 the board that, at a minimum, addresses each of the following
30 subjects:

31 (A) Knowledge and understanding of California law and federal
32 law relating to the distribution of dangerous drugs and dangerous
33 devices.

34 (B) Knowledge and understanding of California law and federal
35 law relating to the distribution of controlled substances.

36 (C) Knowledge and understanding of quality control systems.

37 (D) Knowledge and understanding of the United States
38 Pharmacopoeia standards relating to the safe storage and handling
39 of drugs.

1 (E) Knowledge and understanding of prescription terminology,
2 abbreviations, dosages, and format.

3 (4) The board may, by regulation, require training programs to
4 include additional material.

5 (5) The board may not issue a license as a designated
6 representative until the applicant provides proof of completion of
7 the required training to the board.

8 (c) The veterinary food-animal drug retailer or wholesaler shall
9 not operate without a pharmacist or a designated representative
10 on its premises.

11 (d) Only a pharmacist or a designated representative shall
12 prepare and affix the label to veterinary food-animal drugs.

13 (e) Section 4051 shall not apply to any laboratory licensed under
14 Section 351 of Title III of the Public Health Service Act (Public
15 Law 78-410).

16 SEC. 9. The heading of Chapter 13 (commencing with Section
17 4980) of Division 2 of the Business and Professions Code is
18 amended to read:

19

20 CHAPTER 13. *LICENSED MARRIAGE AND FAMILY THERAPISTS*

21

22 SEC. 10. Section 4980 of the Business and Professions Code
23 is amended to read:

24 4980. (a) (1) Many California families and many individual
25 Californians are experiencing difficulty and distress, and are in
26 need of wise, competent, caring, compassionate, and effective
27 counseling in order to enable them to improve and maintain healthy
28 family relationships.

29 **Healthy**

30 (2) *Healthy* individuals and healthy families and healthy
31 relationships are inherently beneficial and crucial to a healthy
32 society, and are our most precious and valuable natural resource.
33 ~~Marriage~~ *Licensed marriage* and family therapists provide a crucial
34 support for the well-being of the people and the State of California.

35 (b) No person may engage in the practice of marriage and family
36 therapy as defined by Section 4980.02, unless he or she holds a
37 valid license as a marriage and family therapist, or unless he or
38 she is specifically exempted from that requirement, nor may any
39 person advertise himself or herself as performing the services of
40 a marriage, family, child, domestic, or marital consultant, or in

1 any way use these or any similar titles, including the letters
2 “M.F.T.” “L.M.F.T.” “M.F.T.,” or “M.F.C.C.,” or other name,
3 word initial, or symbol in connection with or following his or her
4 name to imply that he or she performs these services without a
5 license as provided by this chapter. Persons licensed under Article
6 4 (commencing with Section 4996) of Chapter 14 of Division 2,
7 or under Chapter 6.6 (commencing with Section 2900) may engage
8 in such practice or advertise that they practice marriage and family
9 therapy but may not advertise that they hold the marriage and
10 family therapist’s license.

11 SEC. 11. Section 4980.36 of the Business and Professions
12 Code is amended to read:

13 4980.36. (a) This section shall apply to the following:

14 (1) Applicants for licensure or registration who begin graduate
15 study before August 1, 2012, and do not complete that study on
16 or before December 31, 2018.

17 (2) Applicants for licensure or registration who begin graduate
18 study before August 1, 2012, and who graduate from a degree
19 program that meets the requirements of this section.

20 (3) Applicants for licensure or registration who begin graduate
21 study on or after August 1, 2012.

22 (b) To qualify for a license or registration, applicants shall
23 possess a doctoral or master’s degree meeting the requirements of
24 this section in marriage, family, and child counseling, marriage
25 and family therapy, couple and family therapy, psychology, clinical
26 psychology, counseling psychology, or counseling with an
27 emphasis in either marriage, family, and child counseling or
28 marriage and family therapy, obtained from a school, college, or
29 university approved by the Bureau for Private Postsecondary
30 Education or accredited by either the Commission on Accreditation
31 for Marriage and Family Therapy Education or a regional
32 accrediting agency *that is* recognized by the United States
33 Department of Education. The board has the authority to make the
34 final determination as to whether a degree meets all requirements,
35 including, but not limited to, course requirements, regardless of
36 accreditation or approval.

37 (c) A doctoral or master’s degree program that qualifies for
38 licensure or registration shall do the following:

39 (1) Integrate all of the following throughout its curriculum:

40 (A) Marriage and family therapy principles.

1 (B) The principles of mental health recovery-oriented care and
2 methods of service delivery in recovery-oriented practice
3 environments, among others.

4 (C) An understanding of various cultures and the social and
5 psychological implications of socioeconomic position, and an
6 understanding of how poverty and social stress impact an
7 individual's mental health and recovery.

8 (2) Allow for innovation and individuality in the education of
9 marriage and family therapists.

10 (3) Encourage students to develop the personal qualities that
11 are intimately related to effective practice, including, but not
12 limited to, integrity, sensitivity, flexibility, insight, compassion,
13 and personal presence.

14 (4) Permit an emphasis or specialization that may address any
15 one or more of the unique and complex array of human problems,
16 symptoms, and needs of Californians served by marriage and
17 family therapists.

18 (5) Provide students with the opportunity to meet with various
19 consumers and family members of consumers of mental health
20 services to enhance understanding of their experience of mental
21 illness, treatment, and recovery.

22 (d) The degree described in subdivision (b) shall contain no less
23 than 60 semester or 90 quarter units of instruction that includes,
24 but is not limited to, the following requirements:

25 (1) Both of the following:

26 (A) No less than 12 semester or 18 quarter units of coursework
27 in theories, principles, and methods of a variety of
28 psychotherapeutic orientations directly related to marriage and
29 family therapy and marital and family systems approaches to
30 treatment and how these theories can be applied therapeutically
31 with individuals, couples, families, adults, including elder adults,
32 children, adolescents, and groups to improve, restore, or maintain
33 healthy relationships.

34 (B) Practicum that involves direct client contact, as follows:

35 (i) A minimum of six semester or nine quarter units of practicum
36 in a supervised clinical placement that provides supervised
37 fieldwork experience.

38 (ii) A minimum of 150 hours of face-to-face experience
39 counseling individuals, couples, families, or groups.

- 1 (iii) A student must be enrolled in a practicum course while
2 counseling clients, except as specified in subdivision (c) of Section
3 4980.42.
- 4 (iv) The practicum shall provide training in all of the following
5 areas:
- 6 (I) Applied use of theory and psychotherapeutic techniques.
7 (II) Assessment, diagnosis, and prognosis.
8 (III) Treatment of individuals and premarital, couple, family,
9 and child relationships, including trauma and abuse, dysfunctions,
10 healthy functioning, health promotion, illness prevention, and
11 working with families.
- 12 (IV) Professional writing, including documentation of services,
13 treatment plans, and progress notes.
- 14 (V) How to connect people with resources that deliver the
15 quality of services and support needed in the community.
- 16 (v) Educational institutions are encouraged to design the
17 practicum required by this subparagraph to include marriage and
18 family therapy experience in low income and multicultural mental
19 health settings.
- 20 (vi) In addition to the 150 hours required in clause (ii), 75 hours
21 of either of the following:
- 22 (I) Client centered advocacy, as defined in Section 4980.03.
23 (II) Face-to-face experience counseling individuals, couples,
24 families, or groups.
- 25 (2) Instruction in all of the following:
- 26 (A) Diagnosis, assessment, prognosis, and treatment of mental
27 disorders, including severe mental disorders, evidence-based
28 practices, psychological testing, psychopharmacology, and
29 promising mental health practices that are evaluated in peer
30 reviewed literature.
- 31 (B) Developmental issues from infancy to old age, including
32 instruction in all of the following areas:
- 33 (i) The effects of developmental issues on individuals, couples,
34 and family relationships.
- 35 (ii) The psychological, psychotherapeutic, and health
36 implications of developmental issues and their effects.
- 37 (iii) Aging and its biological, social, cognitive, and
38 psychological aspects. *This coursework shall include instruction*
39 *on the assessment and reporting of, as well as treatment related*
40 *to, elder and dependent adult abuse and neglect.*

- 1 (iv) A variety of cultural understandings of human development.
- 2 (v) The understanding of human behavior within the social
- 3 context of socioeconomic status and other contextual issues
- 4 affecting social position.
- 5 (vi) The understanding of human behavior within the social
- 6 context of a representative variety of the cultures found within
- 7 California.
- 8 (vii) The understanding of the impact that personal and social
- 9 insecurity, social stress, low educational levels, inadequate housing,
- 10 and malnutrition have on human development.
- 11 (C) The broad range of matters and life events that may arise
- 12 within marriage and family relationships and within a variety of
- 13 California cultures, including instruction in all of the following:
- 14 (i) A minimum of seven contact hours of training or coursework
- 15 in child abuse assessment and reporting as specified in Section 28,
- 16 and any regulations promulgated thereunder.
- 17 (ii) Spousal or partner abuse assessment, detection, intervention
- 18 strategies, and same gender abuse dynamics.
- 19 (iii) Cultural factors relevant to abuse of partners and family
- 20 members.
- 21 (iv) Childbirth, child rearing, parenting, and stepparenting.
- 22 (v) Marriage, divorce, and blended families.
- 23 (vi) Long-term care.
- 24 (vii) End of life and grief.
- 25 (viii) Poverty and deprivation.
- 26 (ix) Financial and social stress.
- 27 (x) Effects of trauma.
- 28 (xi) The psychological, psychotherapeutic, community, and
- 29 health implications of the matters and life events described in
- 30 clauses (i) to (x), inclusive.
- 31 (D) Cultural competency and sensitivity, including a familiarity
- 32 with the racial, cultural, linguistic, and ethnic backgrounds of
- 33 persons living in California.
- 34 (E) Multicultural development and cross-cultural interaction,
- 35 including experiences of race, ethnicity, class, spirituality, sexual
- 36 orientation, gender, and disability, and their incorporation into the
- 37 psychotherapeutic process.
- 38 (F) The effects of socioeconomic status on treatment and
- 39 available resources.

- 1 (G) Resilience, including the personal and community qualities
2 that enable persons to cope with adversity, trauma, tragedy, threats,
3 or other stresses.
- 4 (H) Human sexuality, including the study of physiological,
5 psychological, and social cultural variables associated with sexual
6 behavior and gender identity, and the assessment and treatment of
7 psychosexual dysfunction.
- 8 (I) Substance use disorders, ~~co-occurring~~ *cooccurring* disorders,
9 and addiction, including, but not limited to, instruction in all of
10 the following:
- 11 (i) The definition of substance use disorders, ~~co-occurring~~
12 *cooccurring* disorders, and addiction. For purposes of this
13 subparagraph, ~~“co-occurring~~ “*cooccurring* disorders” means a
14 mental illness and substance abuse diagnosis occurring
15 simultaneously in an individual.
- 16 (ii) Medical aspects of substance use disorders and ~~co-occurring~~
17 *cooccurring* disorders.
- 18 (iii) The effects of psychoactive drug use.
- 19 (iv) Current theories of the etiology of substance abuse and
20 addiction.
- 21 (v) The role of persons and systems that support or compound
22 substance abuse and addiction.
- 23 (vi) Major approaches to identification, evaluation, and treatment
24 of substance use disorders, ~~co-occurring~~ *cooccurring* disorders,
25 and addiction, including, but not limited to, best practices.
- 26 (vii) Legal aspects of substance abuse.
- 27 (viii) Populations at risk with regard to substance use disorders
28 and ~~co-occurring~~ *cooccurring* disorders.
- 29 (ix) Community resources offering screening, assessment,
30 treatment, and followup for the affected person and family.
- 31 (x) Recognition of substance use disorders, ~~co-occurring~~
32 *cooccurring* disorders, and addiction, and appropriate referral.
- 33 (xi) The prevention of substance use disorders and addiction.
- 34 (J) California law and professional ethics for marriage and
35 family therapists, including instruction in all of the following areas
36 of study:
- 37 (i) Contemporary professional ethics and statutory, regulatory,
38 and decisional laws that delineate the scope of practice of marriage
39 and family therapy.

1 (ii) The therapeutic, clinical, and practical considerations
2 involved in the legal and ethical practice of marriage and family
3 therapy, including, but not limited to, family law.

4 (iii) The current legal patterns and trends in the mental health
5 professions.

6 (iv) The psychotherapist-patient privilege, confidentiality, the
7 patient dangerous to self or others, and the treatment of minors
8 with and without parental consent.

9 (v) A recognition and exploration of the relationship between
10 a practitioner's sense of self and human values and his or her
11 professional behavior and ethics.

12 (vi) Differences in legal and ethical standards for different types
13 of work settings.

14 (vii) Licensing law and licensing process.

15 (e) The degree described in subdivision (b) shall, in addition to
16 meeting the requirements of subdivision (d), include instruction
17 in case management, systems of care for the severely mentally ill,
18 public and private services and supports available for the severely
19 mentally ill, community resources for persons with mental illness
20 and for victims of abuse, disaster and trauma response, advocacy
21 for the severely mentally ill, and collaborative treatment. This
22 instruction may be provided either in credit level coursework or
23 through extension programs offered by the degree-granting
24 institution.

25 (f) The changes made to law by this section are intended to
26 improve the educational qualifications for licensure in order to
27 better prepare future licentiates for practice, and are not intended
28 to expand or restrict the scope of practice for marriage and family
29 therapists.

30 SEC. 12. Section 4980.37 of the Business and Professions
31 Code is amended to read:

32 4980.37. (a) This section shall apply to applicants for licensure
33 or registration who begin graduate study before August 1, 2012,
34 and complete that study on or before December 31, 2018. Those
35 applicants may alternatively qualify under paragraph (2) of
36 subdivision (a) of Section 4980.36.

37 (b) To qualify for a license or registration, applicants shall
38 possess a doctor's or master's degree in marriage, family, and child
39 counseling, marriage and family therapy, couple and family
40 therapy, psychology, clinical psychology, counseling psychology,

1 or counseling with an emphasis in either marriage, family, and
2 child counseling or marriage and family therapy, obtained from a
3 school, college, or university accredited by a regional accrediting
4 agency *that is* recognized by the United States Department of
5 Education or approved by the Bureau for Private Postsecondary
6 Education. The board has the authority to make the final
7 determination as to whether a degree meets all requirements,
8 including, but not limited to, course requirements, regardless of
9 accreditation or approval. In order to qualify for licensure pursuant
10 to this section, a doctor's or master's degree program shall be a
11 single, integrated program primarily designed to train marriage
12 and family therapists and shall contain no less than 48 semester
13 or 72 quarter units of instruction. This instruction shall include no
14 less than 12 semester units or 18 quarter units of coursework in
15 the areas of marriage, family, and child counseling, and marital
16 and family systems approaches to treatment. The coursework shall
17 include all of the following areas:

18 (1) The salient theories of a variety of psychotherapeutic
19 orientations directly related to marriage and family therapy, and
20 marital and family systems approaches to treatment.

21 (2) Theories of marriage and family therapy and how they can
22 be utilized in order to intervene therapeutically with couples,
23 families, adults, children, and groups.

24 (3) Developmental issues and life events from infancy to old
25 age and their effect on individuals, couples, and family
26 relationships. This may include coursework that focuses on specific
27 family life events and the psychological, psychotherapeutic, and
28 health implications that arise within couples and families,
29 including, but not limited to, childbirth, child rearing, childhood,
30 adolescence, adulthood, marriage, divorce, blended families,
31 stepparenting, abuse and neglect of older and dependent adults,
32 and geropsychology.

33 (4) A variety of approaches to the treatment of children.

34 The board shall, by regulation, set forth the subjects of instruction
35 required in this subdivision.

36 (c) (1) In addition to the 12 semester or 18 quarter units of
37 coursework specified in subdivision (b), the doctor's or master's
38 degree program shall contain not less than six semester or nine
39 quarter units of supervised practicum in applied psychotherapeutic
40 technique, assessments, diagnosis, prognosis, and treatment of

1 premarital, couple, family, and child relationships, including
2 dysfunctions, healthy functioning, health promotion, and illness
3 prevention, in a supervised clinical placement that provides
4 supervised fieldwork experience within the scope of practice of a
5 marriage and family therapist.

6 (2) For applicants who enrolled in a degree program on or after
7 January 1, 1995, the practicum shall include a minimum of 150
8 hours of face-to-face experience counseling individuals, couples,
9 families, or groups.

10 (3) The practicum hours shall be considered as part of the 48
11 semester or 72 quarter unit requirement.

12 (d) As an alternative to meeting the qualifications specified in
13 subdivision (b), the board shall accept as equivalent degrees those
14 master's or doctor's degrees granted by educational institutions
15 whose degree program is approved by the Commission on
16 Accreditation for Marriage and Family Therapy Education.

17 (e) In order to provide an integrated course of study and
18 appropriate professional training, while allowing for innovation
19 and individuality in the education of marriage and family therapists,
20 a degree program that meets the educational qualifications for
21 licensure or registration under this section shall do all of the
22 following:

23 (1) Provide an integrated course of study that trains students
24 generally in the diagnosis, assessment, prognosis, and treatment
25 of mental disorders.

26 (2) Prepare students to be familiar with the broad range of
27 matters that may arise within marriage and family relationships.

28 (3) Train students specifically in the application of marriage
29 and family relationship counseling principles and methods.

30 (4) Encourage students to develop those personal qualities that
31 are intimately related to the counseling situation such as integrity,
32 sensitivity, flexibility, insight, compassion, and personal presence.

33 (5) Teach students a variety of effective psychotherapeutic
34 techniques and modalities that may be utilized to improve, restore,
35 or maintain healthy individual, couple, and family relationships.

36 (6) Permit an emphasis or specialization that may address any
37 one or more of the unique and complex array of human problems,
38 symptoms, and needs of Californians served by marriage and
39 family therapists.

1 (7) Prepare students to be familiar with cross-cultural mores
2 and values, including a familiarity with the wide range of racial
3 and ethnic backgrounds common among California's population,
4 including, but not limited to, Blacks, Hispanics, Asians, and Native
5 Americans.

6 (f) Educational institutions are encouraged to design the
7 practicum required by this section to include marriage and family
8 therapy experience in low-income and multicultural mental health
9 settings.

10 (g) This section shall remain in effect only until January 1, 2019,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before January 1, 2019, deletes or extends that date.

13 SEC. 13. Section 4980.399 of the Business and Professions
14 Code is amended to read:

15 4980.399. (a) Except as provided in subdivision (a) of Section
16 4980.398, each applicant and registrant shall obtain a passing score
17 on a board-administered California law and ethics examination in
18 order to qualify for licensure.

19 (b) A registrant shall participate in a board-administered
20 California law and ethics examination prior to his or her registration
21 renewal.

22 (c) *Notwithstanding subdivision (b), an applicant who holds a*
23 *registration eligible for renewal, and who applies for renewal of*
24 *that registration between January 1, 2016, and June 30, 2016,*
25 *shall, if eligible, be allowed to renew the registration without first*
26 *participating in the California law and ethics examination. These*
27 *applicants shall participate in the California law and ethics*
28 *examination in the next renewal cycle, and shall pass the*
29 *examination prior to licensure or issuance of a subsequent*
30 *registration number, as specified in this section.*

31 ~~(e)~~

32 (d) If an applicant fails the California law and ethics
33 examination, he or she may retake the examination, upon payment
34 of the required fees, without further application except as provided
35 in subdivision-~~(d)~~ (e).

36 ~~(d)~~

37 (e) If a registrant fails to obtain a passing score on the California
38 law and ethics examination described in subdivision (a) within his
39 or her first renewal period on or after the operative date of this
40 section, he or she shall complete, at a minimum, a 12-hour course

1 in California law and ethics in order to be eligible to participate
2 in the California law and ethics examination. Registrants shall only
3 take the 12-hour California law and ethics course once during a
4 renewal period. The 12-hour law and ethics course required by
5 this section shall be taken through a board-approved continuing
6 education provider, a county, state or governmental entity, or a
7 college or university.

8 (e)

9 (f) The board shall not issue a subsequent registration number
10 unless the registrant has passed the California law and ethics
11 examination.

12 (g) *Notwithstanding subdivision (f), an applicant who holds or*
13 *has held a registration, and who applies for a subsequent*
14 *registration number between January 1, 2016, and January 1,*
15 *2017, shall, if eligible, be allowed to obtain the subsequent*
16 *registration number without first passing the California law and*
17 *ethics examination, if the applicant passes the examination at the*
18 *next renewal period or prior to licensure, whichever occurs first.*

19 (f)

20 (h) This section shall become operative on January 1, 2016.

21 SEC. 14. Section 4980.41 of the Business and Professions
22 Code is amended to read:

23 4980.41. (a) An applicant for licensure whose education
24 qualifies him or her under Section 4980.37 shall complete the
25 following coursework or training in order to be eligible to sit for
26 the licensing examinations as specified in subdivision (d) of Section
27 4980.40:

28 (1) A two semester or three quarter unit course in California
29 law and professional ethics for marriage and family therapists,
30 which shall include, but not be limited to, the following areas of
31 study:

32 (A) Contemporary professional ethics and statutory, regulatory,
33 and decisional laws that delineate the profession's scope of
34 practice.

35 (B) The therapeutic, clinical, and practical considerations
36 involved in the legal and ethical practice of marriage and family
37 therapy, including family law.

38 (C) The current legal patterns and trends in the mental health
39 profession.

1 (D) The psychotherapist-patient privilege, confidentiality, the
2 patient dangerous to self or others, and the treatment of minors
3 with and without parental consent.

4 (E) A recognition and exploration of the relationship between
5 a practitioner's sense of self and human values and his or her
6 professional behavior and ethics.

7 This course may be considered as part of the 48 semester or 72
8 quarter unit requirements contained in Section 4980.37.

9 (2) A minimum of seven contact hours of training or coursework
10 in child abuse assessment and reporting as specified in Section 28
11 and any regulations promulgated thereunder.

12 (3) A minimum of 10 contact hours of training or coursework
13 in human sexuality as specified in Section 25, and any regulations
14 promulgated thereunder. When coursework in a master's or
15 doctor's degree program is acquired to satisfy this requirement, it
16 shall be considered as part of the 48 semester or 72 quarter unit
17 requirement contained in Section 4980.37.

18 (4) For persons who began graduate study on or after January
19 1, 1986, a master's or doctor's degree qualifying for licensure shall
20 include specific instruction in alcoholism and other chemical
21 substance dependency as specified by regulation. When coursework
22 in a master's or doctor's degree program is acquired to satisfy this
23 requirement, it shall be considered as part of the 48 semester or
24 72 quarter unit requirement contained in Section 4980.37.
25 Coursework required under this paragraph may be satisfactory if
26 taken either in fulfillment of other educational requirements for
27 licensure or in a separate course. The applicant may satisfy this
28 requirement by successfully completing this coursework from a
29 master's or doctoral degree program at an accredited or approved
30 institution, as described in subdivision (b) of Section 4980.37, or
31 from a board-accepted provider of continuing education, as
32 described in Section 4980.54.

33 (5) For persons who began graduate study during the period
34 commencing on January 1, 1995, and ending on December 31,
35 2003, a master's or doctor's degree qualifying for licensure shall
36 include coursework in spousal or partner abuse assessment,
37 detection, and intervention. For persons who began graduate study
38 on or after January 1, 2004, a master's or doctor's degree qualifying
39 for licensure shall include a minimum of 15 contact hours of
40 coursework in spousal or partner abuse assessment, detection, and

1 intervention strategies, including knowledge of community
2 resources, cultural factors, and same gender abuse dynamics.
3 Coursework required under this paragraph may be satisfactory if
4 taken either in fulfillment of other educational requirements for
5 licensure or in a separate course. The applicant may satisfy this
6 requirement by successfully completing this coursework from a
7 master's or doctoral degree program at an accredited or approved
8 institution, as described in subdivision (b) of Section 4980.37, or
9 from a board-accepted provider of continuing education, as
10 described in Section 4980.54.

11 (6) For persons who began graduate study on or after January
12 1, 2001, an applicant shall complete a minimum of a two semester
13 or three quarter unit survey course in psychological testing. When
14 coursework in a master's or doctor's degree program is acquired
15 to satisfy this requirement, it may be considered as part of the 48
16 semester or 72 quarter unit requirement of Section 4980.37.

17 (7) For persons who began graduate study on or after January
18 1, 2001, an applicant shall complete a minimum of a two semester
19 or three quarter unit survey course in psychopharmacology. When
20 coursework in a master's or doctor's degree program is acquired
21 to satisfy this requirement, it may be considered as part of the 48
22 semester or 72 quarter unit requirement of Section 4980.37.

23 (8) The requirements added by paragraphs (6) and (7) are
24 intended to improve the educational qualifications for licensure in
25 order to better prepare future licentiates for practice and are not
26 intended in any way to expand or restrict the scope of practice for
27 *licensed* marriage and family therapists.

28 (b) This section shall remain in effect only until January 1, 2019,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2019, deletes or extends that date.

31 SEC. 15. Section 4980.43 of the Business and Professions
32 Code is amended to read:

33 4980.43. (a) Prior to applying for licensure examinations, each
34 applicant shall complete experience that shall comply with the
35 following:

36 (1) A minimum of 3,000 hours completed during a period of at
37 least 104 weeks.

38 (2) Not more than 40 hours in any seven consecutive days.

- 1 (3) Not less than 1,700 hours of supervised experience
- 2 completed subsequent to the granting of the qualifying master's
- 3 or doctoral degree.
- 4 (4) (A) Not more than 1,300 hours of supervised experience
- 5 obtained prior to completing a master's or doctoral degree.
- 6 ~~The~~
- 7 (B) *The* applicant shall not be credited with more than 750 hours
- 8 of counseling and direct supervisor contact prior to completing
- 9 the master's or doctoral degree.
- 10 (5) No hours of experience may be gained prior to completing
- 11 either 12 semester units or 18 quarter units of graduate instruction
- 12 and becoming a trainee except for personal psychotherapy.
- 13 (6) No hours of experience may be gained more than six years
- 14 prior to the date the application for examination eligibility was
- 15 filed, except that up to 500 hours of clinical experience gained in
- 16 the supervised practicum required by subdivision (c) of Section
- 17 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
- 18 of Section 4980.36 shall be exempt from this six-year requirement.
- 19 (7) Not more than a combined total of 1,000 hours of experience
- 20 in the following:
- 21 (A) Direct supervisor contact.
- 22 (B) Professional enrichment activities. For purposes of this
- 23 chapter, "professional enrichment activities" include the following:
- 24 (i) Workshops, seminars, training sessions, or conferences
- 25 directly related to marriage and family therapy attended by the
- 26 applicant that are approved by the applicant's supervisor. An
- 27 applicant shall have no more than 250 hours of verified attendance
- 28 at these workshops, seminars, training sessions, or conferences.
- 29 (ii) Participation by the applicant in personal psychotherapy,
- 30 which includes group, marital or conjoint, family, or individual
- 31 psychotherapy by an appropriately licensed professional. An
- 32 applicant shall have no more than 100 hours of participation in
- 33 personal psychotherapy. The applicant shall be credited with three
- 34 hours of experience for each hour of personal psychotherapy.
- 35 (8) Not more than 500 hours of experience providing group
- 36 therapy or group counseling.
- 37 (9) For all hours gained on or after January 1, 2012, not more
- 38 than 500 hours of experience in the following:

1 (A) Experience administering and evaluating psychological
2 tests, writing clinical reports, writing progress notes, or writing
3 process notes.

4 (B) Client centered advocacy.

5 (10) Not less than 500 total hours of experience in diagnosing
6 and treating couples, families, and children. For up to 150 hours
7 of treating couples and families in conjoint therapy, the applicant
8 shall be credited with two hours of experience for each hour of
9 therapy provided.

10 (11) Not more than 375 hours of experience providing personal
11 psychotherapy, crisis counseling, or other counseling services via
12 telehealth in accordance with Section 2290.5.

13 (12) It is anticipated and encouraged that hours of experience
14 will include working with elders and dependent adults who have
15 physical or mental limitations that restrict their ability to carry out
16 normal activities or protect their rights.

17 This subdivision shall only apply to hours gained on and after
18 January 1, 2010.

19 (b) All applicants, trainees, and registrants shall be at all times
20 under the supervision of a supervisor who shall be responsible for
21 ensuring that the extent, kind, and quality of counseling performed
22 is consistent with the training and experience of the person being
23 supervised, and who shall be responsible to the board for
24 compliance with all laws, rules, and regulations governing the
25 practice of marriage and family therapy. Supervised experience
26 shall be gained by interns and trainees only as an employee or as
27 a volunteer. The requirements of this chapter regarding gaining
28 hours of experience and supervision are applicable equally to
29 employees and volunteers. Experience shall not be gained by
30 interns or trainees as an independent contractor.

31 (1) If employed, an intern shall provide the board with copies
32 of the corresponding W-2 tax forms for each year of experience
33 claimed upon application for licensure.

34 (2) If volunteering, an intern shall provide the board with a letter
35 from his or her employer verifying the intern's employment as a
36 volunteer upon application for licensure.

37 (c) Except for experience gained pursuant to subparagraph (B)
38 of paragraph (7) of subdivision (a), supervision shall include at
39 least one hour of direct supervisor contact in each week for which
40 experience is credited in each work setting, as specified:

1 (1) A trainee shall receive an average of at least one hour of
2 direct supervisor contact for every five hours of client contact in
3 each setting.

4 (2) An individual supervised after being granted a qualifying
5 degree shall receive at least one additional hour of direct supervisor
6 contact for every week in which more than 10 hours of client
7 contact is gained in each setting. No more than five hours of
8 supervision, whether individual or group, shall be credited during
9 any single week.

10 (3) For purposes of this section, “one hour of direct supervisor
11 contact” means one hour per week of face-to-face contact on an
12 individual basis or two hours per week of face-to-face contact in
13 a group.

14 (4) Direct supervisor contact shall occur within the same week
15 as the hours claimed.

16 (5) Direct supervisor contact provided in a group shall be
17 provided in a group of not more than eight supervisees and in
18 segments lasting no less than one continuous hour.

19 (6) Notwithstanding paragraph (3), an intern working in a
20 governmental entity, a school, a college, or a university, or an
21 institution that is both nonprofit and charitable may obtain the
22 required weekly direct supervisor contact via two-way, real-time
23 videoconferencing. The supervisor shall be responsible for ensuring
24 that client confidentiality is upheld.

25 (7) All experience gained by a trainee shall be monitored by the
26 supervisor as specified by regulation.

27 (d) (1) A trainee may be credited with supervised experience
28 completed in any setting that meets all of the following:

29 (A) Lawfully and regularly provides mental health counseling
30 or psychotherapy.

31 (B) Provides oversight to ensure that the trainee’s work at the
32 setting meets the experience and supervision requirements set forth
33 in this chapter and is within the scope of practice for the profession
34 as defined in Section 4980.02.

35 (C) Is not a private practice owned by a licensed marriage and
36 family therapist, a licensed professional clinical counselor, a
37 licensed psychologist, a licensed clinical social worker, a licensed
38 physician and surgeon, or a professional corporation of any of
39 those licensed professions.

1 (2) Experience may be gained by the trainee solely as part of
2 the position for which the trainee volunteers or is employed.

3 (e) (1) An intern may be credited with supervised experience
4 completed in any setting that meets both of the following:

5 (A) Lawfully and regularly provides mental health counseling
6 or psychotherapy.

7 (B) Provides oversight to ensure that the intern's work at the
8 setting meets the experience and supervision requirements set forth
9 in this chapter and is within the scope of practice for the profession
10 as defined in Section 4980.02.

11 (2) An applicant shall not be employed or volunteer in a private
12 practice, as defined in subparagraph (C) of paragraph (1) of
13 subdivision (d), until registered as an intern.

14 (3) While an intern may be either a paid employee or a
15 volunteer, employers are encouraged to provide fair remuneration
16 to interns.

17 (4) Except for periods of time during a supervisor's vacation or
18 sick leave, an intern who is employed or volunteering in private
19 practice shall be under the direct supervision of a licensee that has
20 satisfied the requirements of subdivision (g) of Section 4980.03.
21 The supervising licensee shall either be employed by and practice
22 at the same site as the intern's employer, or shall be an owner or
23 shareholder of the private practice. Alternative supervision may
24 be arranged during a supervisor's vacation or sick leave if the
25 supervision meets the requirements of this section.

26 (5) Experience may be gained by the intern solely as part of the
27 position for which the intern volunteers or is employed.

28 (f) Except as provided in subdivision (g), all persons shall
29 register with the board as an intern in order to be credited for
30 postdegree hours of supervised experience gained toward licensure.

31 (g) Except when employed in a private practice setting, all
32 postdegree hours of experience shall be credited toward licensure
33 so long as the applicant applies for the intern registration within
34 90 days of the granting of the qualifying master's or doctoral
35 degree and is thereafter granted the intern registration by the board.

36 (h) Trainees, interns, and applicants shall not receive any
37 remuneration from patients or clients, and shall only be paid by
38 their employers.

39 (i) Trainees, interns, and applicants shall only perform services
40 at the place where their employers regularly conduct business,

1 which may include performing services at other locations, so long
2 as the services are performed under the direction and control of
3 their employer and supervisor, and in compliance with the laws
4 and regulations pertaining to supervision. Trainees and interns
5 shall have no proprietary interest in their employers' businesses
6 and shall not lease or rent space, pay for furnishings, equipment,
7 or supplies, or in any other way pay for the obligations of their
8 employers.

9 (j) Trainees, interns, or applicants who provide volunteered
10 services or other services, and who receive no more than a total,
11 from all work settings, of five hundred dollars (\$500) per month
12 as reimbursement for expenses actually incurred by those trainees,
13 interns, or applicants for services rendered in any lawful work
14 setting other than a private practice shall be considered an
15 employee and not an independent contractor. The board may audit
16 applicants who receive reimbursement for expenses, and the
17 applicants shall have the burden of demonstrating that the payments
18 received were for reimbursement of expenses actually incurred.

19 (k) Each educational institution preparing applicants for
20 licensure pursuant to this chapter shall consider requiring, and
21 shall encourage, its students to undergo individual, marital or
22 conjoint, family, or group counseling or psychotherapy, as
23 appropriate. Each supervisor shall consider, advise, and encourage
24 his or her interns and trainees regarding the advisability of
25 undertaking individual, marital or conjoint, family, or group
26 counseling or psychotherapy, as appropriate. Insofar as it is deemed
27 appropriate and is desired by the applicant, the educational
28 institution and supervisors are encouraged to assist the applicant
29 in locating that counseling or psychotherapy at a reasonable cost.

30 SEC. 16. Section 4980.55 of the Business and Professions
31 Code is amended to read:

32 4980.55. As a model for all therapeutic professions, and to
33 acknowledge respect and regard for the consuming public, all
34 *licensed* marriage and family therapists are encouraged to provide
35 to each client, at an appropriate time and within the context of the
36 psychotherapeutic relationship, an accurate and informative
37 statement of the therapist's experience, education, specialties,
38 professional orientation, and any other information deemed
39 appropriate by the licensee.

1 SEC. 17. Section 4980.72 of the Business and Professions
2 Code is amended to read:

3 4980.72. (a) This section applies to persons who are licensed
4 outside of California and apply for licensure on or after January
5 1, 2016.

6 (b) The board may issue a license to a person who, at the time
7 of submitting an application for a license pursuant to this chapter,
8 holds a valid license in good standing issued by a board of marriage
9 counselor examiners, board of marriage and family therapists, or
10 corresponding authority, of any state or country, if all of the
11 following conditions are satisfied:

12 (1) The applicant's education is substantially equivalent, as
13 defined in Section 4980.78. The applicant's degree title need not
14 be identical to that required by Section 4980.36 or 4980.37.

15 (2) The applicant complies with Section 4980.76, if applicable.

16 (3) The applicant's supervised experience is substantially
17 equivalent to that required for a license under this chapter. The
18 board shall consider hours of experience obtained outside of
19 California during the six-year period immediately preceding the
20 date the applicant initially obtained the license described above.

21 (4) The applicant passes the California law and ethics
22 examination.

23 (5) The applicant passes a clinical examination designated by
24 the board. An applicant who obtained his or her license or
25 registration under another jurisdiction may apply for licensure with
26 the board without taking the clinical examination if both of the
27 following conditions are met:

28 (A) The applicant obtained a passing score on the licensing
29 examination set forth in regulation as accepted by the board.

30 (B) The applicant's license or registration in that jurisdiction is
31 in good standing at the time of his or her application and ~~has not~~
32 ~~been~~ *is not* revoked, suspended, surrendered, denied, or otherwise
33 restricted or encumbered as a result of any disciplinary proceeding
34 brought by the licensing authority of that jurisdiction. *encumbered.*

35 SEC. 18. Section 4980.78 of the Business and Professions
36 Code is amended to read:

37 4980.78. (a) This section applies to persons who apply for
38 licensure or registration on or after January 1, 2016.

1 (b) For purposes of Sections 4980.72 and 4980.74, education
2 is substantially equivalent if all of the following requirements are
3 met:

4 (1) The degree is obtained from a school, college, or university
5 accredited by an accrediting agency *that is* recognized by the
6 United States Department of Education and consists of, at a
7 minimum, 48 semester or 72 quarter units, including, but not
8 limited to, both of the following:

9 (A) Six semester or nine quarter units of practicum, including,
10 but not limited to, a minimum of 150 hours of face-to-face
11 counseling.

12 (B) Twelve semester or 18 quarter units in the areas of marriage,
13 family, and child counseling and marital and family systems
14 approaches to treatment, as specified in subparagraph (A) of
15 paragraph (1) of subdivision (d) of Section 4980.36.

16 (2) The applicant completes any units and course content
17 requirements under subdivision (d) of Section 4980.36 not already
18 completed in his or her education.

19 (3) The applicant completes credit level coursework from a
20 degree-granting institution that provides all of the following:

21 (A) Instruction regarding the principles of mental health
22 recovery-oriented care and methods of service delivery in recovery
23 model practice environments.

24 (B) An understanding of various California cultures and the
25 social and psychological implications of socioeconomic position.

26 (C) Structured meeting with various consumers and family
27 members of consumers of mental health services to enhance
28 understanding of their experience of mental illness, treatment, and
29 recovery.

30 (D) Instruction in addiction and ~~co-occurring~~ *cooccurring*
31 substance abuse and mental health disorders, as specified in
32 subparagraph (I) of paragraph (2) of subdivision (d) of Section
33 4980.36.

34 (4) The applicant completes an 18-hour course in California
35 law and professional ethics. The content of the course shall include,
36 but not be limited to, advertising, scope of practice, scope of
37 competence, treatment of minors, confidentiality, dangerous
38 patients, psychotherapist-patient privilege, recordkeeping, patient
39 access to records, state and federal laws relating to confidentiality
40 of patient health information, dual relationships, child abuse, elder

1 and dependent adult abuse, online therapy, insurance
2 reimbursement, civil liability, disciplinary actions and
3 unprofessional conduct, ethics complaints and ethical standards,
4 termination of therapy, standards of care, relevant family law,
5 therapist disclosures to patients, differences in legal and ethical
6 standards in different types of work settings, and licensing law
7 and licensing process.

8 (5) The applicant's degree title need not be identical to that
9 required by subdivision (b) of Section 4980.36.

10 SEC. 19. Section 4987.5 of the Business and Professions Code
11 is amended to read:

12 4987.5. A marriage and family therapy corporation is a
13 corporation that is authorized to render professional services, as
14 defined in Section 13401 of the Corporations Code, so long as that
15 corporation and its shareholders, officers, directors, and employees
16 rendering professional services who are *licensed* marriage and
17 family therapists, physicians and surgeons, psychologists, *licensed*
18 *professional clinical counselors*, licensed clinical social workers,
19 registered nurses, chiropractors, or acupuncturists are in compliance
20 with the Moscone-Knox Professional Corporation Act (Part 4
21 (commencing with Section 13400) of Division 3 of Title 1 of the
22 Corporations Code), this article, and any other statute or regulation
23 pertaining to that corporation and the conduct of its affairs. With
24 respect to a marriage and family therapy corporation, the
25 governmental agency referred to in the Moscone-Knox Professional
26 Corporation Act is the Board of Behavioral Sciences.

27 SEC. 20. Section 4992.09 of the Business and Professions
28 Code is amended to read:

29 4992.09. (a) Except as provided in subdivision (a) of Section
30 4992.07, an applicant and registrant shall obtain a passing score
31 on a board-administered California law and ethics examination in
32 order to qualify for licensure.

33 (b) A registrant shall participate in a board-administered
34 California law and ethics examination prior to his or her registration
35 renewal.

36 (c) *Notwithstanding subdivision (b), an applicant who holds a*
37 *registration eligible for renewal, and who applies for renewal of*
38 *that registration between January 1, 2016, and June 30, 2016,*
39 *shall, if eligible, be allowed to renew the registration without first*
40 *participating in the California law and ethics examination. These*

1 *applicants shall participate in the California law and ethics*
 2 *examination in the next renewal cycle, and shall pass the*
 3 *examination prior to licensure or issuance of a subsequent*
 4 *registration number, as specified in this section.*

5 ~~(e)~~

6 (d) If an applicant fails the California law and ethics
 7 examination, he or she may retake the examination, upon payment
 8 of the required fees, without further application except for as
 9 provided in subdivision ~~(d)~~. (e).

10 ~~(d)~~

11 (e) If a registrant fails to obtain a passing score on the California
 12 law and ethics examination described in subdivision (a) within his
 13 or her first renewal period on or after the operative date of this
 14 section, he or she shall complete, at a minimum, a 12-hour course
 15 in California law and ethics in order to be eligible to participate
 16 in the California law and ethics examination. Registrants shall only
 17 take the 12-hour California law and ethics course once during a
 18 renewal period. The 12-hour law and ethics course required by
 19 this section shall be taken through a board-approved continuing
 20 education provider, a county, state or governmental entity, or a
 21 college or university.

22 ~~(e)~~

23 (f) The board shall not issue a subsequent registration number
 24 unless the registrant has passed the California law and ethics
 25 examination.

26 (g) *Notwithstanding subdivision (f), an applicant who holds or*
 27 *has held a registration, and who applies for a subsequent*
 28 *registration number between January 1, 2016, and January 1,*
 29 *2017, shall, if eligible, be allowed to obtain the subsequent*
 30 *registration number without first passing the California law and*
 31 *ethics examination, if the applicant passes the examination at the*
 32 *next renewal period or prior to licensure, whichever occurs first.*

33 ~~(f)~~

34 (h) This section shall become operative on January 1, 2016.

35 SEC. 21. Section 4996.23 of the Business and Professions
 36 Code is amended to read:

37 4996.23. The experience required by subdivision (c) of Section
 38 4996.2 shall meet the following criteria:

39 (a) All persons registered with the board on and after January
 40 1, 2002, shall have at least 3,200 hours of post-master's degree

1 supervised experience providing clinical social work services as
2 permitted by Section 4996.9. At least 1,700 hours shall be gained
3 under the supervision of a licensed clinical social worker. The
4 remaining required supervised experience may be gained under
5 the supervision of a licensed mental health professional acceptable
6 to the board as defined by a regulation adopted by the board. This
7 experience shall consist of the following:

8 (1) A minimum of 2,000 hours in clinical psychosocial
9 diagnosis, assessment, and treatment, including psychotherapy or
10 counseling.

11 (2) A maximum of 1,200 hours in client-centered advocacy,
12 consultation, evaluation, and research.

13 (3) Of the 2,000 clinical hours required in paragraph (1), no less
14 than 750 hours shall be face-to-face individual or group
15 psychotherapy provided to clients in the context of clinical social
16 work services.

17 (4) A minimum of two years of supervised experience is required
18 to be obtained over a period of not less than 104 weeks and shall
19 have been gained within the six years immediately preceding the
20 date on which the application for licensure was filed.

21 (5) Experience shall not be credited for more than 40 hours in
22 any week.

23 (b) “Supervision” means responsibility for, and control of, the
24 quality of clinical social work services being provided.
25 Consultation or peer discussion shall not be considered to be
26 supervision.

27 (c) (1) Prior to the commencement of supervision, a supervisor
28 shall comply with all requirements enumerated in Section 1870 of
29 Title 16 of the California Code of Regulations and shall sign under
30 penalty of perjury the “Responsibility Statement for Supervisors
31 of an Associate Clinical Social Worker” form.

32 (2) Supervised experience shall include at least one hour of
33 direct supervisor contact for a minimum of 104 weeks. For
34 purposes of this subdivision, “one hour of direct supervisor contact”
35 means one hour per week of face-to-face contact on an individual
36 basis or two hours of face-to-face contact in a group conducted
37 within the same week as the hours claimed.

38 (3) An associate shall receive at least one additional hour of
39 direct supervisor contact for every week in which more than 10
40 hours of face-to-face psychotherapy is performed in each setting

1 in which experience is gained. No more than five hours of
2 supervision, whether individual or group, shall be credited during
3 any single week.

4 (4) Group supervision shall be provided in a group of not more
5 than eight supervisees and shall be provided in segments lasting
6 no less than one continuous hour.

7 (5) Of the 104 weeks of required supervision, 52 weeks shall
8 be individual supervision, and of the 52 weeks of required
9 individual supervision, not less than 13 weeks shall be supervised
10 by a licensed clinical social worker.

11 (6) Notwithstanding paragraph (2), an associate clinical social
12 worker working for a governmental entity, school, college, or
13 university, or an institution that is both a nonprofit and charitable
14 institution, may obtain the required weekly direct supervisor
15 contact via live two-way videoconferencing. The supervisor shall
16 be responsible for ensuring that client confidentiality is preserved.

17 (d) The supervisor and the associate shall develop a supervisory
18 plan that describes the goals and objectives of supervision. These
19 goals shall include the ongoing assessment of strengths and
20 limitations and the assurance of practice in accordance with the
21 laws and regulations. The associate shall submit to the board the
22 initial original supervisory plan upon application for licensure.

23 (e) Experience shall only be gained in a setting that meets both
24 of the following:

25 (1) Lawfully and regularly provides clinical social work, mental
26 health counseling, or psychotherapy.

27 (2) Provides oversight to ensure that the associate's work at the
28 setting meets the experience and supervision requirements set forth
29 in this chapter and is within the scope of practice for the profession
30 as defined in Section 4996.9.

31 (f) Experience shall not be gained until the applicant has been
32 registered as an associate clinical social worker.

33 (g) Employment in a private practice as defined in subdivision

34 (h) shall not commence until the applicant has been registered as
35 an associate clinical social worker.

36 (h) A private practice setting is a setting that is owned by a
37 licensed clinical social worker, a licensed marriage and family
38 therapist, a licensed psychologist, *a licensed professional clinical*
39 *counselor*, a licensed physician and surgeon, or a professional
40 corporation of any of those licensed professions.

1 (i) If volunteering, the associate shall provide the board with a
2 letter from his or her employer verifying his or her voluntary status
3 upon application for licensure.

4 (j) If employed, the associate shall provide the board with copies
5 of his or her W-2 tax forms for each year of experience claimed
6 upon application for licensure.

7 (k) While an associate may be either a paid employee or
8 volunteer, employers are encouraged to provide fair remuneration
9 to associates.

10 (l) An associate shall not do the following:

11 (1) Receive any remuneration from patients or clients and shall
12 only be paid by his or her employer.

13 (2) Have any proprietary interest in the employer's business.

14 (3) Lease or rent space, pay for furnishings, equipment, or
15 supplies, or in any other way pay for the obligations of his or her
16 employer.

17 (m) An associate, whether employed or volunteering, may obtain
18 supervision from a person not employed by the associate's
19 employer if that person has signed a written agreement with the
20 employer to take supervisory responsibility for the associate's
21 social work services.

22 (n) Notwithstanding any other provision of law, associates and
23 applicants for examination shall receive a minimum of one hour
24 of supervision per week for each setting in which he or she is
25 working.

26 SEC. 22. Section 4998 of the Business and Professions Code
27 is amended to read:

28 4998. A licensed clinical social worker corporation is a
29 corporation that is authorized to render professional services, as
30 defined in Section 13401 of the Corporations Code, so long as that
31 corporation and its shareholders, officers, directors, and employees
32 rendering professional services who are licensed clinical social
33 workers, physicians and surgeons, psychologists, *licensed*
34 *professional clinical counselors*, *licensed* marriage and family
35 therapists, registered nurses, chiropractors, or acupuncturists are
36 in compliance with the Moscone-Knox Professional Corporation
37 Act (Part 4 (commencing with Section 13400) of Division 3 of
38 Title 1 of the Corporations Code), this article, and all other statutes
39 and regulations now or hereafter enacted or adopted pertaining to
40 that corporation and the conduct of its affairs. With respect to a

1 licensed clinical social worker corporation, the governmental
2 agency referred to in the Moscone-Knox Professional Corporation
3 Act is the Board of Behavioral Sciences.

4 SEC. 23. Section 4999.55 of the Business and Professions
5 Code is amended to read:

6 4999.55. (a) Each applicant and registrant shall obtain a
7 passing score on a board-administered California law and ethics
8 examination in order to qualify for licensure.

9 (b) A registrant shall participate in a board-administered
10 California law and ethics examination prior to his or her registration
11 renewal.

12 *(c) Notwithstanding subdivision (b), an applicant who holds a*
13 *registration eligible for renewal, and who applies for renewal of*
14 *that registration between January 1, 2016, and June 30, 2016,*
15 *shall, if eligible, be allowed to renew the registration without first*
16 *participating in the California law and ethics examination. These*
17 *applicants shall participate in the California law and ethics*
18 *examination in the next renewal cycle, and shall pass the*
19 *examination prior to licensure or issuance of a subsequent*
20 *registration number, as specified in this section.*

21 ~~(e)~~

22 (d) If an applicant fails the California law and ethics
23 examination, he or she may retake the examination, upon payment
24 of the required fees, without further application, except as provided
25 in subdivision-~~(d)~~ (e).

26 ~~(d)~~

27 (e) If a registrant fails to obtain a passing score on the California
28 law and ethics examination described in subdivision (a) within his
29 or her first renewal period on or after the operative date of this
30 section, he or she shall complete, at minimum, a 12-hour course
31 in California law and ethics in order to be eligible to participate
32 in the California law and ethics examination. Registrants shall only
33 take the 12-hour California law and ethics course once during a
34 renewal period. The 12-hour law and ethics course required by
35 this section shall be taken through a board-approved continuing
36 education provider, a county, state, or governmental entity, or a
37 college or university.

38 ~~(e)~~

1 (f) The board shall not issue a subsequent registration number
2 unless the registrant has passed the California law and ethics
3 examination.

4 (g) *Notwithstanding subdivision (f), an applicant who holds or*
5 *has held a registration, and who applies for a subsequent*
6 *registration number between January 1, 2016, and January 1,*
7 *2017, shall, if eligible, be allowed to obtain the subsequent*
8 *registration number without first passing the California law and*
9 *ethics examination, if the applicant passes the examination at the*
10 *next renewal period or prior to licensure, whichever occurs first.*

11 (f)

12 (h) This section shall become operative January 1, 2016.

13 SEC. 24. Section 4999.58 of the Business and Professions
14 Code is amended to read:

15 4999.58. (a) This section applies to a person who applies for
16 examination eligibility between January 1, 2011, and December
17 31, 2015, inclusive, and who meets both of the following
18 requirements:

19 (1) At the time of application, holds a valid license as a
20 professional clinical counselor, or other counseling license that
21 allows the applicant to independently provide clinical mental health
22 services, in another jurisdiction of the United States.

23 (2) Has held the license described in paragraph (1) for at least
24 two years immediately preceding the date of application.

25 (b) The board may issue a license to a person described in
26 subdivision (a) if all of the following requirements are satisfied:

27 (1) The education and supervised experience requirements of
28 the other jurisdiction are substantially the equivalent of this chapter,
29 as described in subdivision (e) and in Section 4999.46.

30 (2) The person complies with subdivision (b) of Section 4999.40,
31 if applicable.

32 (3) The person successfully completes the examinations required
33 by the board pursuant to paragraph (3) of subdivision (a) of Section
34 4999.50. An applicant who obtained his or her license or
35 registration under another jurisdiction by taking a national
36 examination that is required by the board may apply for licensure
37 with the board without retaking that examination if both of the
38 following conditions are met:

39 (A) The applicant obtained a passing score on the national
40 licensing examination that is required by the board.

1 (B) The applicant's license or registration in that jurisdiction is
2 in good standing at the time of his or her application and ~~has not~~
3 ~~been~~ *is not* revoked, suspended, surrendered, denied, or otherwise
4 restricted or encumbered ~~as a result of any disciplinary proceeding~~
5 ~~brought by the licensing authority of that jurisdiction.~~

6 (4) The person pays the required fees.

7 (c) Experience gained outside of California shall be accepted
8 toward the licensure requirements if it is substantially equivalent
9 to that required by this chapter. The board shall consider hours of
10 experience obtained in another state during the six-year period
11 immediately preceding the applicant's initial licensure by that state
12 as a licensed professional clinical counselor.

13 (d) Education gained while residing outside of California shall
14 be accepted toward the licensure requirements if it is substantially
15 equivalent to the education requirements of this chapter, and if the
16 applicant has completed the training or coursework required under
17 subdivision (e) of Section 4999.32, which includes, in addition to
18 the course described in subparagraph (I) of paragraph (1) of
19 subdivision (c) of Section 4999.32, an 18-hour course in California
20 law and professional ethics for professional clinical counselors.

21 (e) For purposes of this section, the board may, in its discretion,
22 accept education as substantially equivalent if the applicant's
23 education meets the requirements of Section 4999.32. If the
24 applicant's degree does not contain the content or the overall units
25 required by Section 4999.32, the board may, in its discretion, accept
26 the applicant's education as substantially equivalent if the following
27 criteria are satisfied:

28 (1) The applicant's degree contains the required number of
29 practicum units under paragraph (3) of subdivision (c) of Section
30 4999.32.

31 (2) The applicant remediates his or her specific deficiency by
32 completing the course content and units required by Section
33 4999.32.

34 (3) The applicant's degree otherwise complies with this section.

35 (f) This section shall become inoperative on January 1, 2016,
36 and as of that date is repealed, unless a later enacted statute, which
37 is enacted before January 1, 2016, deletes or extends that date.

38 SEC. 25. Section 4999.59 of the Business and Professions
39 Code is amended to read:

1 4999.59. (a) This section applies to a person who applies for
2 examination eligibility or registration between January 1, 2011,
3 and December 31, 2015, inclusive, who meets both of the following
4 requirements:

5 (1) At the time of application, holds a valid license described
6 in paragraph (1) of subdivision (a) of Section 4999.58.

7 (2) Has held the license described in paragraph (1) for less than
8 two years immediately preceding the date of application.

9 (b) Experience gained outside of California shall be accepted
10 toward the licensure requirements if it is substantially equivalent
11 to that required by this chapter, if the applicant complies with
12 Section 4999.40, if applicable, and if the applicant has gained a
13 minimum of 250 hours of supervised experience in direct
14 counseling within California while registered as an intern with the
15 board. The board shall consider hours of experience obtained in
16 another state during the six-year period immediately preceding the
17 applicant's initial licensure in that state as a professional clinical
18 counselor.

19 (c) Education gained while residing outside of California shall
20 be accepted toward the licensure requirements if it is substantially
21 equivalent to the education requirements of this chapter, and if the
22 applicant has completed the training or coursework required under
23 subdivision (e) of Section 4999.32, which includes, in addition to
24 the course described in subparagraph (I) of paragraph (1) of
25 subdivision (c) of Section 4999.32, an 18-hour course in California
26 law and professional ethics for professional clinical counselors.

27 (d) For purposes of this section, the board may, in its discretion,
28 accept education as substantially equivalent if the applicant's
29 education meets the requirements of Section 4999.32. If the
30 applicant's degree does not contain the content or the overall units
31 required by Section 4999.32, the board may, in its discretion, accept
32 the applicant's education as substantially equivalent if the following
33 criteria are satisfied:

34 (1) The applicant's degree contains the required number of
35 practicum units under paragraph (3) of subdivision (c) of Section
36 4999.32.

37 (2) The applicant remediates his or her specific deficiency by
38 completing the course content and units required by Section
39 4999.32.

40 (3) The applicant's degree otherwise complies with this section.

1 (e) An applicant who obtained his or her license or registration
2 under another jurisdiction by taking a national examination that
3 is required by the board may apply for licensure with the board
4 without retaking that examination if both of the following
5 conditions are met:

6 (1) The applicant obtained a passing score on the national
7 licensing examination that is required by the board.

8 (2) The applicant's license or registration in that jurisdiction is
9 in good standing at the time of his or her application and ~~has not~~
10 ~~been~~ *is not* revoked, suspended, surrendered, denied, or otherwise
11 restricted or encumbered as a result of any disciplinary proceeding
12 brought by the licensing authority of that jurisdiction.

13 (f) This section shall become inoperative on January 1, 2016,
14 and as of that date is repealed, unless a later enacted statute, which
15 is enacted before January 1, 2016, deletes or extends that date.

16 SEC. 26. Section 4999.60 of the Business and Professions
17 Code is amended to read:

18 4999.60. (a) This section applies to persons who are licensed
19 outside of California and apply for examination eligibility on or
20 after January 1, 2016.

21 (b) The board may issue a license to a person who, at the time
22 of submitting an application for a license pursuant to this chapter,
23 holds a valid license as a professional clinical counselor, or other
24 counseling license that allows the applicant to independently
25 provide clinical mental health services, in another jurisdiction of
26 the United States, if all of the following conditions are satisfied:

27 (1) The applicant's education is substantially equivalent, as
28 defined in Section 4999.62.

29 (2) The applicant complies with subdivision (b) of Section
30 4999.40, if applicable.

31 (3) The applicant's supervised experience is substantially
32 equivalent to that required for a license under this chapter. The
33 board shall consider hours of experience obtained outside of
34 California during the six-year period immediately preceding the
35 date the applicant initially obtained the license described above.

36 (4) The applicant passes the examinations required to obtain a
37 license under this chapter. An applicant who obtained his or her
38 license or registration under another jurisdiction may apply for
39 licensure with the board without taking the clinical examination
40 if both of the following conditions are met:

1 (A) The applicant obtained a passing score on the licensing
2 examination set forth in regulation as accepted by the board.

3 (B) The applicant’s license or registration in that jurisdiction is
4 in good standing at the time of his or her application and ~~has not~~
5 ~~been~~ *is not* revoked, suspended, surrendered, denied, or otherwise
6 restricted or encumbered ~~as a result of any disciplinary proceeding~~
7 ~~brought by the licensing authority of that jurisdiction.~~

8 SEC. 27. Section 4999.123 of the Business and Professions
9 Code is amended to read:

10 4999.123. A professional clinical counselor corporation is a
11 corporation that is authorized to render professional services, as
12 defined in Section 13401 of the Corporations Code, so long as that
13 corporation and its shareholders, officers, directors, and employees
14 who are rendering professional services and who are licensed
15 professional clinical counselors, *licensed* marriage and family
16 therapists, physicians and surgeons, psychologists, licensed clinical
17 social workers, registered nurses, chiropractors, or acupuncturists,
18 are in compliance with the Moscone-Knox Professional
19 Corporation Act (Part 4 (commencing with Section 13400) of
20 Division 3 of Title 1 of the Corporations Code), this article, and
21 any other statute or regulation pertaining to that corporation and
22 the conduct of its affairs. With respect to a professional clinical
23 counselor corporation, the term “governmental agency” in the
24 Moscone-Knox Professional Corporation Act (Part 4 (commencing
25 with Section 13400) of Division 3 of Title 1 of the Corporations
26 Code) shall be construed to mean the Board of Behavioral Sciences.

27 SEC. 28. Section 14132.55 of the Welfare and Institutions
28 Code is amended to read:

29 14132.55. For the purposes of reimbursement under the
30 Medi-Cal program, a speech pathologist or audiologist shall be
31 licensed by the Speech-Language Pathology and Audiology
32 Examining Committee of the Medical Board of California or
33 similarly licensed by a comparable agency in the state in which
34 he or she practices. Licensed speech-language pathologists or
35 licensed audiologists are authorized to utilize and shall be
36 reimbursed for the services of those personnel in the process of
37 completing requirements under the provisions of subdivision ~~(d)~~
38 ~~(c)~~ of Section 2532.2 of the Business and Professions Code.

39 SEC. 29. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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